

Members

Sen. Marvin Riegsecker, Chairperson  
Sen. Becky Skillman  
Sen. Rose Antich-Carr  
Sen. Timothy Skinner  
Rep. Peggy Welch, Vice-Chairperson  
Rep. Tiny Adams  
Rep. Thomas Saunders  
Rep. Matthew Whetstone  
Rep. Alan Chowning  
Thomas Rethlake  
Oatess Archey  
Vern Jewell  
Doug Lechner  
Raymond Lueken  
Garland Ferrell  
Kelly Thompson  
John Rooda  
Mark Catanzarite  
Bill Mansard  
David Niezgodski  
The Honorable Al Dillon  
Lana Sullivan



## COUNTY GOVERNMENT STUDY COMMISSION

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Commission

Authority: P.L. 28-2001 (HEA 1629)

### MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 9, 2003  
**Meeting Time:** 1:30 P.M.  
**Meeting Place:** State House, 200 W. Washington  
St., Room 431  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 3

**Members Present:** Sen. Marvin Riegsecker, Chairperson; Sen. Becky Skillman; Sen. Rose Antich-Carr; Sen. Timothy Skinner; Rep. Peggy Welch, Vice-Chairperson; Rep. Tiny Adams; Rep. Thomas Saunders; Oatess Archey; Vern Jewell; Garland Ferrell; Kelly Thompson; John Rooda; Mark Catanzarite; David Niezgodski; The Honorable Al Dillon; Lana Sullivan.

**Members Absent:** Rep. Alan Chowning; Rep. Matthew Whetstone; Doug Lechner; Raymond Lueken; Bill Mansard; Thomas Rethlake.

Senator Riegsecker, Chairman, called the third meeting of the County Government Study Commission for the 2003 Interim to order at 1:35 p.m. The members present introduced themselves. The Commission discussed the subject matter and date of the next Commission meeting. The Chairman announced that the next Commission meeting would be held on October 23, 2003 at 10:30 a.m. At this meeting, the Commission will continue discussion on the proposed septic system rule and review the C.O.M.P.E.T.E. report.

The Chairman announced that the Commission would take a recess so that members and interested parties could attend an announcement by the Governor. The meeting was recessed at 1:45 p.m. and reconvened at 2:30 p.m.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

## **1. Pioneer Cemeteries**

The Chairman recognized Mr. Ken Roney, Commission Attorney, to explain a draft of proposed legislation identified as "2004 PioCem.001" (Exhibit A). This draft would add to the definition of cemeteries that could be cared for by the county cemetery commission.

Mr. John Rooda, Commission member, expressed his concern that there could be confusion over who would determine when a cemetery is in need if the responsibility for cemetery care shifts from townships to counties. Mr. Rooda viewed this as an unfunded mandate placed upon the counties. He added that a majority of township trustees do a good job with cemeteries and that there are only a few who do not. Mr. Rooda was concerned that counties may not have the same interest in cemeteries as do township trustees.

Mr. Vernon Jewel, Commission member, expressed his support for the draft adding that there would not be any additional costs associated with it.

Mr. Garland Ferrell, Commission member, noted that by not requiring counties to appoint a cemetery commission, the proposed language would not create any additional cost. He then questioned whether the proposed language accomplished anything.

Mr. Eddie Hager testified that he didn't think the proposed language addressed all of the problems with the cemeteries. The Chairman replied that he wanted to approve language that would start the bill process and encouraged interested parties to work on additional language with the eventual author. Mr. Ferrell noted his desire to work on changes to the language for the next meeting.

Mr. Rooda said that the draft affects all counties but concerns of individual counties must be considered.

Rep. Tom Saunders, Commission member, agreed that many township trustees follow the current cemetery law but said that there are some that do not. He said that there is a need for a law prohibiting paving over and plowing up cemeteries.

Rep. Tiny Adams, Commission member, made a motion to approve the language contained in the "2004 PioCem.001" draft. The motion was seconded by Rep. Tom Saunders and it passed by a vote of 13 to 0.

Ms. Angela Tielking, Henry County Cemetery Commission, provided a written supplement (Exhibit B) to information she had previously handed out to Commission members.

Ms. Donna Tauber, Spiceland Township (Henry Co.) Trustee, provided written testimony (Exhibit C) to the Commission.

## **2. Septic System Rules**

The Chairman recognized Mr. Ken Roney to explain PD 3262 (Exhibit D). This draft would void the proposed septic system rule (LSA document 02-321) and 410 IAC 6-8.2. In addition, the draft would impose a delay until at least January 1, 2006 before the effects of a successor rule to become effective. The draft would also require a successor rule to exclude nitrate as a groundwater contaminant.

In response to a question from Mr. Ferrell regarding the length of the delay, Chairman Riegsecker noted that the additional time would give industry time to adjust to the new rule.

Mr. Howard Cundiff, Indiana Department of Health, told the Commission that the Department is attempting to promulgate a rule that addresses nitrate levels in response to current statutes regarding groundwater. He suggested that the Commission consider removing nitrates from the list of contaminants in statute and then void only the nitrate portion of the proposed rule.

Sen. Rose Antich, Commission member, asked about the federal guidelines on nitrate. Mr. Cundiff replied that the maximum allowable level of nitrate in groundwater has been 10 milligrams per liter since the late 1940s.

Sen. Antich asked if the Commission would be circumventing federal law if the nitrate language were removed from the proposed septic rule. Chairman Riegsecker noted that septic systems contribute only 4% - 8% of all nitrate.

Rep. Saunders wondered if the proposed rule addressed the technology needed for nitrate filtering. Mr. Cundiff estimated that the cost of abatement could be cheaper five years from now.

Chairman Riegsecker reminded the Commission that the Groundwater Act requires the Department of Health to consider nitrate levels. Mr. Cundiff added that the Department has been working on the proposed rule for five years.

Mr. Mark Catanzarite, Commission member, asked to delay voting on the proposal so that he could confer with parties in his county.

Mr. Terry Miller, St. Joseph Co. Chamber of Commerce, testified that the draft is a great proposal but the portion of the proposed rule regarding nitrate levels doesn't solve the problem. He stated that urban sprawl is creating this problem and that long term financing to provide sewers for all subdivisions would be helpful. Mr. Miller said that St. Joseph County has tens of thousands of homes that need to be upgraded from septic systems to sewers. He added that some communities outside of Indiana build roads and sewers before homes are built on the site.

The meeting was adjourned at 3:26 p.m.